



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	February 15, 2007
EXPIRATION DATE:	March 16, 2007
REFERENCE NUMBER:	POA-2007-286-2
WATERWAY:	Copper River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Alyeska Pipeline Service Company, PO Box 196660, MS 596, Anchorage, Alaska 99519-6660, POC Mr. Pete Nagel (907) 787-8170.

LOCATION: The proposed project is located within Section 18, T. 2 N., R. 1 E., Copper River Meridian; Latitude 61.9573° N., Longitude -145.2907° W.; U.S. Survey 837; approximately 900 feet upstream of the confluence of the Klutina and Copper River, at Copper Center, Alaska.

PURPOSE: To enhance response team access in accordance with TAPS Oil Discharge Prevention and Contingency Plan.

WORK: Dredge 970 cubic yards of sand and gravel material, 400 cubic yards below the Ordinary High Water Mark (OHWM). Discharge 520 cubic yards of clean stone material (Class III size) 350 cubic yards below the OHWM. The area of impact below the OHWM is 0.65 acre.

MITIGATION: As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment: The applicant has incorporated additional shot rock material in an effort to prevent undermining of the ramp and erosion of the banks.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires an applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. The proposed work is not in a coastal zone area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a federal Fishery Management Plans. We have reviewed the National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/112/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2005) to locate and identify HAPC in the vicinity of the proposed action.

The project is located within areas described as EFH (Internal river, ADF&G cataloged). The project is not located in any HAPC.

We have determined that the described activity within the proposed area will not adversely affect EFH, and will not adversely affect HAPC. The site is an existing small private boat ramp that is being improved for better access and long term usability. The 0.65 acre proposed to be impacted is below the Ordinary High Water Mark and is considered insignificant compared to the thousands of acres of shoreline of the Copper River. Where existing substrate will be removed, shot rock sized materials (Class III) will be placed at similar elevations. This area of the Copper River is used as a corridor for spawning salmon and trout. Work would be accomplished in the winter/spring 2007 just prior to spring breakup on the river. We have reviewed general EFH Conservation Measures (listed by activity type) in Appendix G of the EFH FEIS, Non-Fishing Impacts to EFH and Recommended Conservation Measures (Appendix G). The proposed work would be completed under Best Management Practices in addition to working during the seasonally low water period, there should be no adverse effect to EFH.

SPECIAL AREA DESIGNATION: The project is located within the vicinity of the Wrangell-St Elias National Park.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. John Klutz at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at john.r.klutz@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No.: **POA-2007-286-2, Copper River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

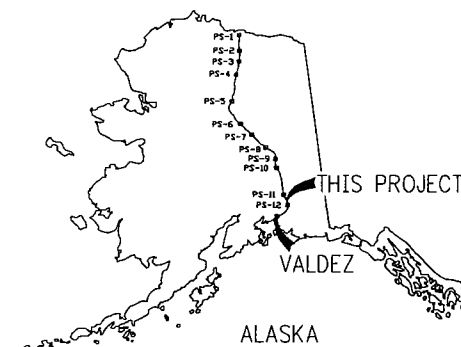
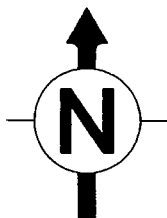
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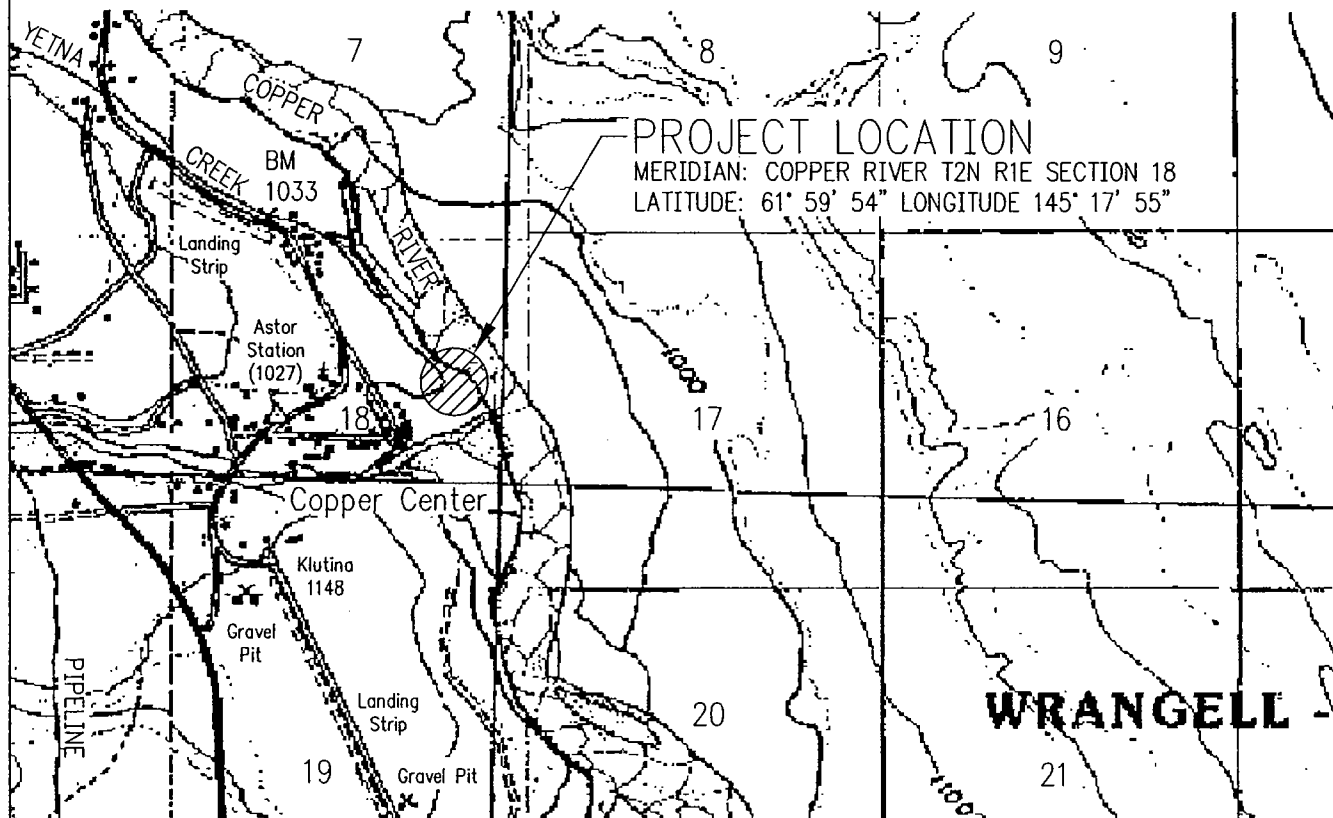
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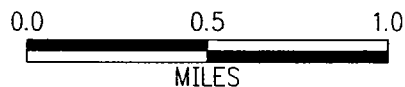
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PRIVATE - LAND OWNER

QUANTITIES, SUMMARY:

	<u>BELOW OHW</u>	<u>ABOVE OHW</u>	<u>TOTAL</u>
FOOTPRINT:	0.08 AC	0.57 AC	0.65 AC
EXCAVATION, GRAVEL:	400 CY	570 CY	970 CY
FILL, RIPRAP:	350 CY	170 CY	520 CY
FILL, GRAVEL:	0 CY	20 CY	20 CY

COPPER RIVER
BOAT LAUNCH

ALYESKA PIPELINE SERVICE CO.

TRANS ALASKA PIPELINE SYSTEM

DATE: 12/18/06

PLATE 1

REV.

0

DWN. GSH

CKD. WCW

APPR. WCW

SCALE: NONE

Alyeska Pipeline Services Company

Location: Copper Center

Activity: Improve Boat Launch

POA-2007-286-2, Copper River

Date: 2/7/2007

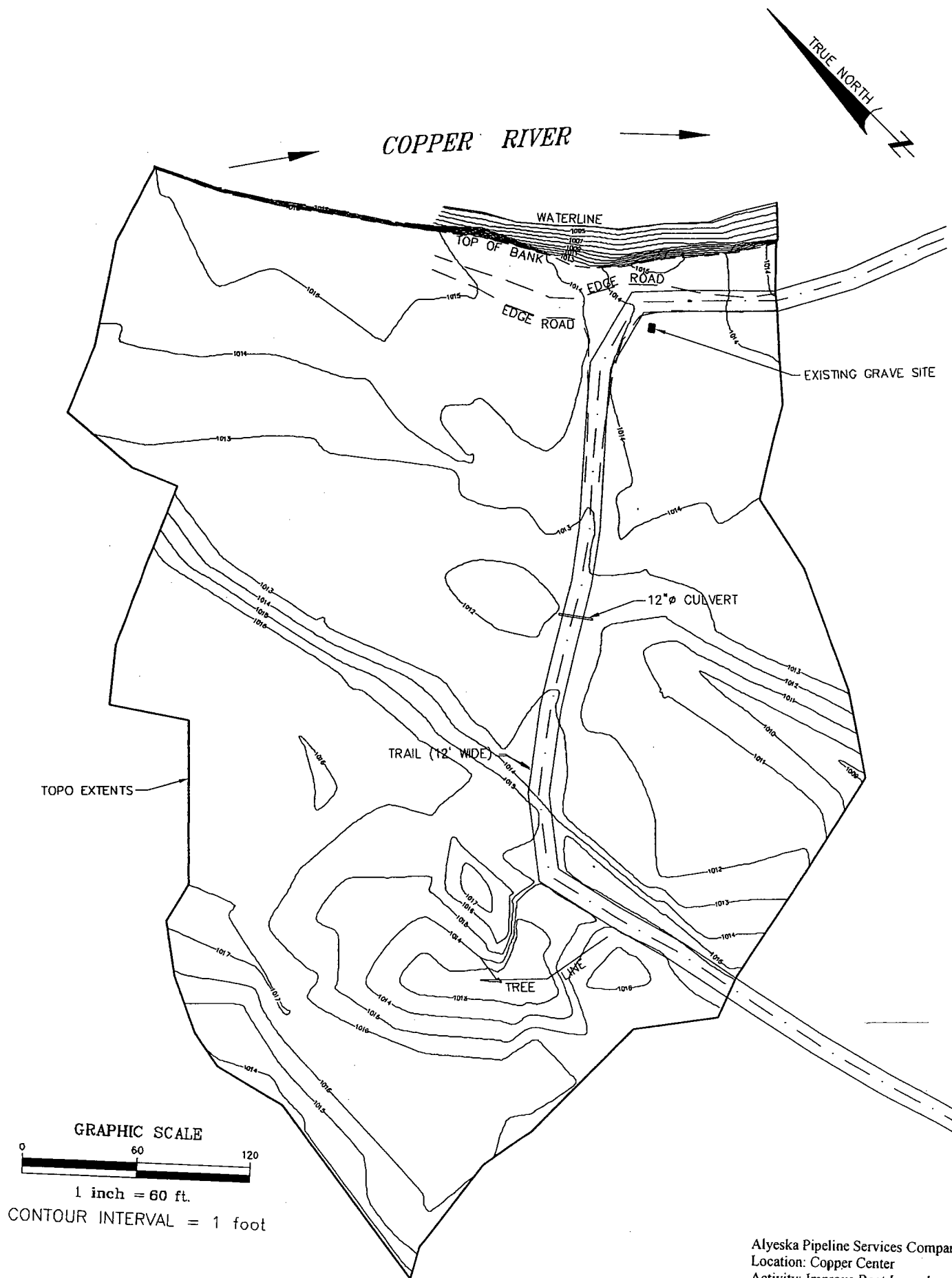
Sheet 1 of 4

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DATE: 12-21-06

PLOT SCALE: 1:1

NAME: Plate_1.dwg



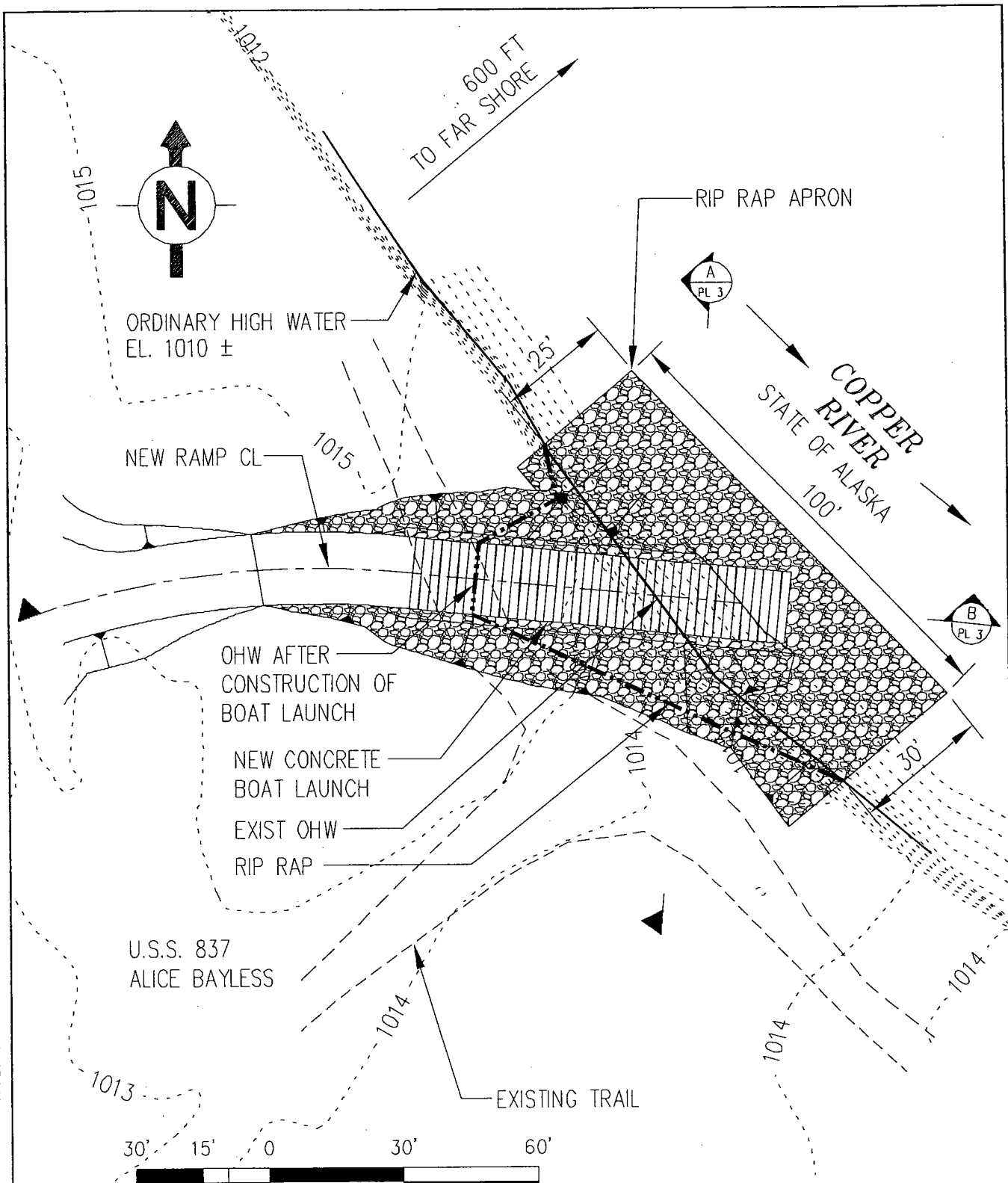
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DATE: 02-07-07

FILENAME: PLATE_2 R2.dwg PLOT SCALE: 1:1

COPPER RIVER BOAT LAUNCH				ALYESKA PIPELINE SERVICE CO.	
				TRANS ALASKA PIPELINE SYSTEM	
				DATE: 02-07-07	PLATE 2
				Alyeska Pipeline Services Company Location: Copper Center Activity: Improve Boat Launch POA-2007-286-2, Copper River Date: 2/7/2007 Sheet 3 of 4	
REV.	2	DWN. GSH	CKD. WCW	APPR. WCW	SCALE: 1"=30'

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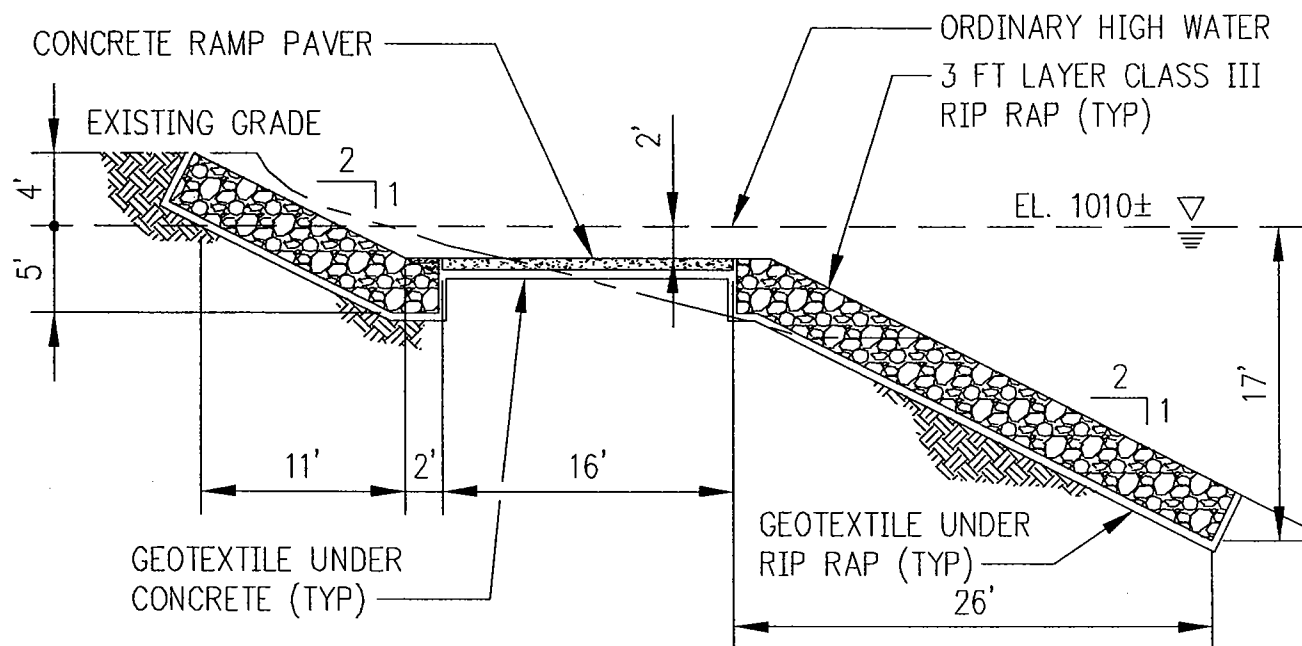
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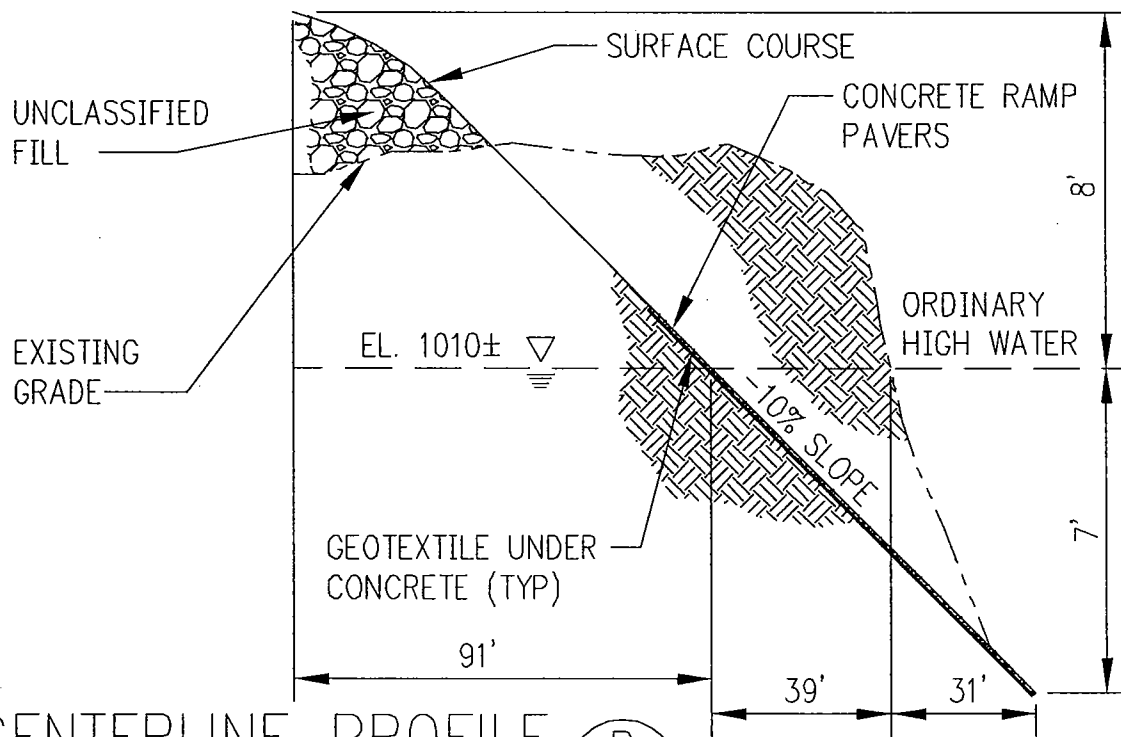
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SECTION

SCALE: 1"=10'

A
PL 2



CENTERLINE PROFILE

SCALE: H:1"=40', V:1"=4'

B
PL 2

COPPER RIVER
BOAT LAUNCH

ALYESKA PIPELINE SERVICE CO.

TRANS ALASKA PIPELINE SYSTEM

DATE: 02-07-07

PLATE 3

REV.

2

DWN. GSH

CKD. WCW

APPR. WCW

SCALE: AS NOTED

Alyeska Pipeline Services Company
Location: Copper Center
Activity: Improve Boat Launch
POA-2007-286-2, Copper River
Date: 2/7/2007
Sheet 4 of 4

AUTOCAD DWG. DO NOT REVISE

DATE: 02-07-07

FILENAME: PLATE_3 R2.dwg PLOT SCALE: 1:1